



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/145363

PRELIMINARY RECITALS

Pursuant to a petition filed November 19, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Waukesha County Health and Human Services in regard to FoodShare benefits (FS), a hearing was held on December 13, 2012, at Waukesha, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner's FoodShare (FS) benefits for failing to submit required verification.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Lynnae Boyenga

Waukesha County Health and Human Services
500 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. Petitioner applied for FoodShare (FS) benefits online on September 22, 2012.

3. Petitioner's FS application was approved for expedited FS benefits and prorated benefits of \$37 were issued for September 2012. FS benefits in the amount of \$163 were issued for October 2012.
4. On October 5, 2012 the agency sent Petitioner a notice indicating that benefits had been approved only for September and October.
5. On October 5, 2012 the agency sent Petitioner a request for verification that indicated that Petitioner needed to submit verification of citizenship and proof of employment with the due date for these items being October 24, 2012. Proof of employment required submission of 30 days of pay stubs or wage information from the employer.
6. On November 6, 2012 the agency received one pay stub for Petitioner and a copy of the abstract of census record. As this did not make the request for employment verification the agency sent Petitioner a Notice of Decision dated November 8, 2012 informing him that his FS eligibility was being discontinued§ the requested information.

DISCUSSION

Expedited FoodShare (FS) benefits are designed to get the initial FS allotment to an applicant within seven calendar days of the date of application. *FoodShare Wisconsin Handbook (FSH)*, §2.1.4. Eligibility for expedited FS benefits requires that a household meet certain income, assets and expense standards. *FSH*, §2.1.4.1. If the applicant is eligible for expedited FS benefits, only verification of the identity of the applicant is required before benefits can be issued. *FSH*, §2.1.4.2. An agency is required, however, to request other required verification items. *Id.* Subsequent months of benefits are denied if required verification is not received. *Id.* Gross nonexempt income, including earned income, must be verified. *FSH*, §§1.2.4.1 and 1.2.4.2.

In this case Petitioner was determined to be eligible for expedited FS benefits. Those benefits were issued. Nonetheless, verification was still required. A primary concern was Petitioner's earned income. That required submission of 30 days of paychecks or a statement of earnings from the employer. The agency sent a notice to Petitioner at the correct address requesting that information. The requested, and required, verification was not received by the agency. I am, therefore, concluding that the agency correctly discontinued Petitioner's FS benefits for failing to provide required verification.

CONCLUSIONS OF LAW

That the agency correctly discontinued Petitioner's FoodShare benefits for failing to provide required verification.

THEREFORE, it is

ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

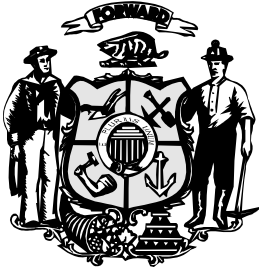
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 14th day of January, 2013

\sDavid D. Fleming
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 14, 2013.

Waukesha County Health and Human Services
Division of Health Care Access and Accountability